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PUBLIC INTEREST INVESTIGATION INTO RCMP MEMBER CONDUCT IN NOVA SCOTIA IN RESPECT OF MATTERS INVOLVING NICOLE (RYAN) DOUCET,

FINAL REPORT

JULY 2013

Canada 

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OVERVIEW

Ms. Nicole Doucet was married to Mr. Michael Ryan. The parties separated in 2007. In March 2008, Ms. Doucet was charged with the offence of counselling the commission of an offence not committed for attempting to hire an individual to kill Mr. Ryan. The individual whom she attempted to hire was an undercover RCMP member.

At trial, Ms. Doucet invoked the legal defence of duress, claiming that she had suffered years of abuse at the hands of Mr. Ryan. This defence succeeded before the Court of Nova Scotia. Justice Farrar noted that he accepted Ms. Doucet's assertion that she had been abused and found that the defence of duress was applicable in the circumstances. This decision was appealed to the Nova Scotia Court of Appeal. After the Court of Appeal upheld the trial decision, the Crown appealed to the Supreme Court of Canada.

On January 18, 2013, the Supreme Court of Canada rendered a judgment concluding that the defence of duress would not apply in this situation. The majority found that given the need for clarification of the parameters of the defence of duress, as well as the toll the legal proceedings have had on Ms. Doucet, a stay of proceedings was warranted. In its judgment, the Supreme Court noted:

There is also the disquieting fact that, on the record before us, it seems that the authorities were much quicker to intervene to protect Mr. Ryan than they had been to respond to [Ms. Doucet's] request for help in dealing with his reign of terror over her.

Following the issuance of the decision, the Commission for Public Complaints Against the RCMP (Commission) received correspondence related to the incident from the Honourable Ross Landry, Attorney General and Minister of Justice for Nova Scotia. Given the expressions of public concern related to the manner in which the RCMP dealt with issues involving Ms. Doucet, the Commission was satisfied that there were reasonable grounds to investigate the circumstances surrounding this file.

THE PUBLIC INTEREST INVESTIGATION

The Commission received the correspondence from Minister Landry on February 5, 2013. He stated in his letter that, based upon what he had heard from Nova Scotians and from civil society groups, "the public and the RCMP would benefit from an independent review that would put any remaining concerns and doubts about RCMP actions to rest."

On February 11, 2013, the Commission notified the Minister of Public Safety and the RCMP Commissioner that it would conduct a public interest investigation into the matter pursuant to subsection 45.43(1) of the *Royal Canadian Mounted Police Act* (RCMP Act).

This report examines the actions and conduct of the RCMP members with respect to their involvement with Ms. Doucet and Mr. Ryan prior to March 2008.

COMMISSION'S REVIEW OF THE FACTS SURROUNDING THE EVENTS

It is important to note that the Commission is an agency of the federal government, distinct and independent from the RCMP. When conducting a public interest investigation, the Commission does not act as an advocate either for the complainant or for RCMP members. The role of the Interim Chair of the Commission is to make findings after an objective examination of the information available and, where judged appropriate, to make recommendations that focus on steps that the RCMP can take to improve or correct conduct by RCMP members. In addition, one of the primary objectives of the Commission is to ensure the impartiality and integrity of investigations involving RCMP members.

The Commission's findings, as detailed below, are based on a thorough examination of the following documents: the investigative report prepared in April 2011 by Sergeant Jeff Holmes, Detachment Commander of the Meteghan RCMP, and supporting documentation; the investigative report prepared by Corporal Tracy Phillips of "H" Division Headquarters, including statements, notes, emails and reports; relevant documentation as disclosed by "H" Division, including memoranda, e-mails and notes of RCMP members; RCMP operational files; court documents; psychological assessments; audio recordings; employment records; member statements; pertinent legislation; and applicable RCMP policy.

The investigation conducted by the Commission's own investigator included interviews of Mr. Ryan, Ms. Doucet, Corporal Christian Thibaudeau, Constable Alexandre Garault and Constable Jonathan Racicot. The Commission acknowledges that the RCMP's "H" Division provided complete cooperation to the Commission throughout the public interest investigation process. In addition, the RCMP provided the Commission with access to all materials contained in the original investigative file and all materials identified during the public interest investigation.¹

A summary of my findings may be found at **Appendix A**.

Background

On February 5, 2013, the Commission received correspondence from the Honourable Ross Landry, Attorney General and Minister of Justice for Nova Scotia, with respect to a Supreme Court decision released January 18, 2013, in which a stay of proceedings was

¹ This report has been prepared in reliance on the RCMP's assurance that all relevant documentation has been disclosed to the Commission.

ordered in the matter of *R. v. Nicole (Ryan) Doucet*.² Ms. Doucet was accused of counseling the commission of an offence not committed, contrary to paragraph 464(a) of the *Criminal Code* of Canada, for having attempted to hire an individual to kill her husband, Mr. Michael Ryan. The individual hired by Ms. Doucet was an undercover RCMP officer.

Following the issuance of the Supreme Court of Canada judgment, a significant amount of criticism was directed at the “H” Division RCMP, accusing members of failing to protect Ms. Doucet against Mr. Ryan. Ms. Doucet alleged throughout her criminal trial that she had contacted the RCMP on nine separate occasions, attempting to obtain assistance in dealing with her spouse, Mr. Ryan, who she alleges was violent. Ms. Doucet alleges that the RCMP refused to assist her and persisted in telling her that they would not get involved in matters they deemed to be of a civil nature.

In light of the concerns arising from the comments of the Supreme Court, the RCMP conducted an internal review of the files involving both Ms. Doucet and Mr. Ryan. It found over 25 occurrences in which Ms. Doucet, Mr. Ryan or both had some involvement with the RCMP. This report was provided to Minister Landry, who requested that the Commission conduct an independent review into this case, given the concerns raised by Nova Scotians.

Family background

Mr. Ryan and Ms. Doucet met in Ontario in 1990. Ms. Doucet was a student in a class Mr. Ryan was instructing. The couple maintained a long distance relationship before getting married in 1992. At this time, Ms. Doucet was still living in Nova Scotia, where she attended university, while Mr. Ryan was a member of the Canadian Forces posted to various cities in Ontario, Alberta and New Brunswick, and deployed to Bosnia in 1999. Following his return from Bosnia, Mr. Ryan was posted to Nova Scotia, until his release from service in January 2004. Mr. Ryan and Ms. Doucet had a child in 2000.

During their marriage, Ms. Doucet and Mr. Ryan rarely lived together but visited often. In 1997, Ms. Doucet had expressed an interest in purchasing a home in Little Brook, Nova Scotia. Mr. Ryan disagreed with the purchase, claiming that the home required too many repairs. Nevertheless, without informing Mr. Ryan, Ms. Doucet purchased the home jointly with her father. This home eventually became the family residence (hereinafter referred to as the family residence) wherein which the parties operated a small farm. Disputes between Ms. Doucet and her family pertaining to the ownership of the house and the details surrounding its purchase arose on an ongoing basis. Following Mr. Ryan’s retirement as a regular member of the armed force, he lived at the family residence with Ms. Doucet and their child. In 2003 and 2007, additional homes were purchased as income properties.

² *R. v. Ryan*, 2013, SCC 3

In large part due to the ongoing conflict over the family residence, tensions were high between Ms. Doucet's family and the Ryans.³ In December 2006, Ms. Doucet and Mr. Ryan learned that the half of the home which had been in Ms. Doucet's father's name had been transferred to two of Ms. Doucet's sisters. Shortly thereafter, Ms. Doucet signed her part ownership of the home over to Mr. Ryan.

According to Mr. Ryan, the parties separated amicably in December 2006. Mr. Ryan alleges that tensions with Ms. Doucet's family caused the separation. According to Mr. Ryan, there existed serious conflict amongst the family members, much of it relating to the residence. In early 2006, Ms. Doucet was accused of, but not charged with, trying to run her sister over with her car, following which Ms. Doucet was allegedly threatened by her father. The RCMP were contacted in respect of the situation. In 2007, Ms. Doucet's mother launched a civil lawsuit against Ms. Doucet and Mr. Ryan, alleging that funds had been removed from a bank account held jointly by Ms. Doucet and her mother.

According to Ms. Doucet, the parties did not separate until September 2007. Mr. Ryan, conversely, states that while the parties separated in December 2006, they did not begin to discuss proceeding with a divorce until October 2007. Mr. Ryan claims that he told Ms. Doucet that he wanted to begin legal proceedings in approximately October 2007, while Ms. Doucet claims that she told Mr. Ryan that she wanted a divorce in the summer of 2007.

Following the separation, Ms. Doucet retained full custody of their child, while Mr. Ryan moved to one of the income properties in Kentville, Nova Scotia. In early summer 2007, Mr. Ryan began a relationship with his current spouse, and he and Ms. Doucet began to sell their farm equipment.

Mr. Ryan alleges that during this period, Ms. Doucet became increasingly agitated, which he attributed to the stress of the family conflict. According to Mr. Ryan, in the first week of September 2006, Ms. Doucet learned that her mother had made comments to the RCMP stating that Ms. Doucet was suffering from mental health issues. This greatly upset Ms. Doucet. According to Mr. Ryan, Ms. Doucet began drinking large quantities of soft drinks and chain smoking. Mr. Ryan alleges that in October 2007, Ms. Doucet had been on anti-depressants, doubling up on doses, and asked him to take custody of their child, which Mr. Ryan did. The child remained with Mr. Ryan for only a week, as Ms. Doucet requested the return of the child. In order to avoid litigation, Mr. Ryan agreed.

Mr. Ryan denies that there was ever any domestic violence in their relationship. Ms. Doucet, on the other hand, stated that violence had started while Mr. Ryan was living in Edmonton, Alberta, in the early 1990s. Ms. Doucet stated that she never alerted the police of any incidents of domestic violence prior to November 2007.

³ Ms. Doucet had taken the Ryan surname during the marriage and is now using Doucet.

The March 2008 arrest

On March 28, 2008, Mr. Ryan received a telephone call from Corporal Thibaudeau of the Meteghan RCMP, informing him that Ms. Doucet had been arrested the previous evening following an RCMP investigation which revealed that Ms. Doucet had attempted to hire an individual to kill Mr. Ryan. The investigation revealed that this was not Ms. Doucet's first attempt to hire someone to kill Mr. Ryan.

Mr. Ryan is adamant that Ms. Doucet hired an individual to kill him as a result of his ownership interest in the Little Brook residence. During her trial, Ms. Doucet claimed that she was under duress given years of abuse, forcing her to act in the manner in which she did.

The court process

Ms. Doucet was arrested on March 27, 2008. The trial judgment was rendered on March 25, 2010. Ms. Doucet raised the legal defence of duress, claiming that she had no choice but to act in the manner she did, as she had suffered years of abuse at the hands of Mr. Ryan. In court, Ms. Doucet alleged that over the years, Mr. Ryan had pushed her, squeezed her neck, called her names, threatened to kill her and their child, sexually assaulted her, put guns to her head and killed family pets. Ms. Doucet also alleged that Mr. Ryan was controlling and manipulative. Justice Farrar of the Supreme Court of Nova Scotia accepted Ms. Doucet's assertion that she had been abused and concluded that the defence of duress was applicable in the circumstances. However, neither Mr. Ryan nor any member of the RCMP was called to testify.

The trial decision was appealed by the Crown. The Nova Scotia Court of Appeal dismissed the appeal, and the Crown appealed to the Supreme Court of Canada.

On January 18, 2013, the Supreme Court of Canada rendered a judgment denying that the defence of duress was available to Ms. Doucet in the circumstances. However, the majority found that given the need for clarification of the defence of duress as well as the toll the legal proceedings had taken on Ms. Doucet, a stay of proceedings was warranted. The judgment also stated:

There is also the disquieting fact that, on the record before us, it seems that the authorities were much quicker to intervene to protect Mr. Ryan than they had been to respond to [Ms. Doucet's] request for help in dealing with his reign of terror over her.

RCMP internal investigations

In April 2011, Sergeant Holmes, the Meteghan RCMP Detachment Commander, conducted an internal investigation regarding the RCMP's involvement with Ms. Doucet. In the course of that investigation, Sergeant Holmes spoke with the members posted to the Meteghan Detachment at the relevant time, specifically Constable Michel-Poitras,

Constable Garault, Constable Paskal, Constable Racicot, Constable Pascal Boudreau, Sergeant Lacroix and the detachment assistant. None of the members recalled any instances other than the ones listed above where Ms. Doucet had attempted to impart information to the RCMP pertaining to her relationship with Mr. Ryan.

A second investigation was conducted in early 2013 at the request of the province's Minister of Justice, following the issuance of the Supreme Court judgment earlier this year. That investigation determined that the RCMP had received no information that Ms. Doucet was a victim of domestic violence to the extent stated during her trial.

Analysis

ALLEGATION: The RCMP neglected its duties and failed to respond to Ms. Doucet's complaints regarding her spouse, Mr. Michael Ryan, prior to March 13, 2008.

Introduction

A number of RCMP members either investigated complaints pertaining to Ms. Doucet and/or Mr. Ryan over the years, or were involved in their cases. The Commission has identified the following members as being involved in the pertinent occurrences:

- Staff Sergeant Michael Lacroix, then Sergeant and Officer In Charge of the Meteghan Detachment;
- Corporal Christian Thibaudeau (now retired), of the Meteghan Detachment;
- Constable Jonathan Racicot, then of the Meteghan Detachment;
- Constable Alexandre Garault, then of the Meteghan Detachment;
- Constable Anne-Marie Michel-Poitras, then of the Meteghan Detachment;
- Constable Victor Paskal, of the Meteghan Detachment; and
- Corporal Dan Dionne, of the New Minas Detachment.

The Commission reviewed the conduct of each of these members, and interviewed those from whom additional information was required. All of the members, with the exception of one, provided similar accounts to those outlined in RCMP operational files, in the interviews conducted during the Commission's investigation, or in the prior internal investigations conducted by the RCMP.

The Commission notes that one member, Constable Garault, raised concerns regarding Corporal Thibaudeau's impartiality with respect to Ms. Doucet. Constable Garault stated to Corporal Phillips that he felt that Corporal Thibaudeau may have been biased in his dealings with Mr. Ryan, given personal prior experience with custody issues. That allegation was categorically denied by Corporal Thibaudeau. Constable Garault also stated to the internal investigator that he had work-related issues with Corporal Thibaudeau during the time that they worked together.

The Commission takes complaints of conflict of interest or bias very seriously, and addresses this issue at the outset, given that Corporal Thibaudeau was integrally involved in this file and provided the Commission with significant information in its respect. Accordingly, the Commission thoroughly reviewed the dealings Corporal Thibaudeau may have had with Mr. Ryan and assessed the relationship between the parties. According to both Mr. Ryan and Corporal Thibaudeau, they first met as a result of an assault on Mr. Ryan which occurred in December 2007.

Corporal Thibaudeau was very straightforward with respect to his feelings in cases involving child custody. Corporal Thibaudeau stated:

Because, you know what? And that's one thing, my soft spot of me, all right, is why a child should be denied visiting his parents because the parents can't get along. And I always believed that. And there's probably a situation in there where, there's probably a situation in there where it was literally heading to a level where it was, like, this was bad. Like, like the, that's after the beat-up of Michael Ryan. Okay. We had received intelligence from sources that their intention that night on December 17 was to go there and kill Michael Ryan with that steel bar and the party of three. Okay. We had received confidential information to that, okay, that it was their intention. They went there to literally kill him. All right. And there was a third party there. Okay? So, then after that, what do you do as a cop? You leave a child in, in the hands of mother that is, has got some very serious mental issues, because by that time, like, she's like, flying in every direction, can't entertain an intelligent conversation with more than 45 seconds because she's all over the place, all right, and has some very serious emotional issues that prevents her from even entertaining a normal conversation with another individual.

Corporal Thibaudeau stated that it is not unusual for him to contact Crown counsel to attempt to have conditions modified so that one parent can see their child. Accordingly, Corporal Thibaudeau contacted the Crown counsel in charge of this file to inquire about modifying access conditions between Mr. Ryan and his child. I find that this is not unreasonable, nor is it unusual. It is not uncommon for RCMP members to maintain close professional relationships with Crown counsel and for police to make recommendations to them. In and of itself, this is neither improper nor unreasonable.

In his statement to the Commission, Constable Garault confused certain facts and appeared motivated in large part by his dislike of Corporal Thibaudeau, his past supervisor. Constable Garault said the following about him:

[Translation]

And like I told you, he wasn't a big fan of my ideas and he was often on our case. He wasn't... I'll be honest with you. The guy wasn't all there, and that's it. I'm going to tell it like it is. That's my... it's my opinion, anyway.

[. . .]

It's not... I'll be honest with you, we didn't like each other at all.

Constable Garault went on to explain that he believed Corporal Thibaudeau to be jealous of him because he was married to Constable Michel-Poitras and they were well-liked in the community. Constable Garault noted that Corporal Thibaudeau was controlling, and that they had numerous arguments.

Constable Garault was asked whether he believed that Corporal Thibaudeau had refused to act to protect Ms. Doucet:

[Translation]

INVESTIGATOR: OK. So, if I understand what you're saying, you were concerned that there was domestic abuse. Police action should have been taken, but your corporal said...

CONSTABLE GARAULT: That's more or less it.

INVESTIGATOR: That's what happened.

CONSTABLE GARAULT: Um-hum.

INVESTIGATOR: So... so he, he refused to take action.

CONSTABLE GARAULT: Yes.

[. . .]

INVESTIGATOR: OK, you didn't get along. It happens, people don't always get along with their co-workers. But did you have reason to believe... are you telling me today that you have reason to believe that Corporal Thibaudeau did not take Ms. Doucet's complaints of domestic abuse seriously? You said, for example, that he refused your request for a panic button, he refused to file charges in relation to the text message that Mr. Ryan sent to Ms. Doucet.

CONSTABLE GARAULT: Yes.

When Constable Garault was prompted about which reports of incidents Corporal Thibaudeau refused to act upon, the only examples he was able to provide were an incident in which it was alleged that Mr. Ryan had breached an undertaking to not contact Ms. Doucet, which will be dealt with in detail later in this report, and an instance in which he wanted to obtain a "panic button" for Ms. Doucet. Those two incidents occurred on the same date and were related.

Constable Racicot, who worked alongside both members, does not appear to agree with Constable Garault. Constable Racicot said the following:

[Translation]

INVESTIGATOR: If I say to you that Constable Garault was concerned...

JONATHAN RACICOT: Yes.

INVESTIGATOR: ... about Ms. Doucet's safety.

JONATHAN RACICOT: OK, I'm surprised, yes, because I don't recall his ever telling me that he was concerned.

INVESTIGATOR: OK. Constable Garault told us that he raised, for example, during the panic button incident, his concerns about Ms. Doucet's safety with Corporal Thibaudeau, but that Corporal Thibaudeau apparently refused to let him take action to protect Ms. Doucet. Does that, do you remember anything like that?

JONATHAN RACICOT: No, not at all.

INVESTIGATOR: OK.

JONATHAN RACICOT: So what you're telling me is that Corporal Garault...

INVESTIGATOR: Constable Garault.

JONATHAN RACICOT: Uh, the Corporal. Constable Garault says that there were concerns about Ms. Ryan's safety and about the panic button. And that he didn't... he brought, he raised this concern with Corporal Thibaudeau, who decided not to do anything. That's news to me.

INVESTIGATOR: OK.

JONATHAN RACICOT: That's new. I never heard about that. And like I told you, even from the start, Ms. Ryan's safety, and the safety of the whole community, I mean it's our job to ensure people's safety. And at no time would I have neglected anything relating to someone's safety. Whether it's Ms. Ryan or anyone else, a child, a man, a woman, any age, anyone, it's our duty.

INVESTIGATOR: OK, but it happens that some members may not be as diligent as you, things like that. So that's why I'm asking you the question. Did you know, for example, that Corporal Thibaudeau apparently said, "You know, enough is enough, I don't want to deal with Ms. Ryan?"

JONATHAN RACICOT: No.

INVESTIGATOR: Her complaints are unfounded?

JONATHAN RACICOT: No.

INVESTIGATOR: No? OK.

JONATHAN RACICOT: Never.

I have no reason to disbelieve either Constable Racicot or Corporal Thibaudeau. Both provided clear, straightforward and consistent statements to the Commission. Both members appeared credible. In fact, Constable Garault's contention is not supported by any other member or by any information on file. There is no information on file or collected during the investigation that would raise a suspicion or substantiate a contention that Corporal Thibaudeau acted in a biased manner. Accordingly, I conclude that Corporal Thibaudeau was not biased and did not offer Mr. Ryan any preferential treatment. While there may be issues of contention, unrelated to the present file, between Constable Garault and Corporal Thibaudeau, none of the allegations put forward by the former in respect of the latter are supported by the facts.

Review of relevant files

There exists some uncertainty about the number of times the RCMP was called to assist Ms. Doucet, Mr. Ryan or both. Ms. Doucet repeatedly stated that she had requested the assistance of the RCMP on nine separate occasions. When asked, Ms. Doucet was unable to enumerate each of those occasions.

The RCMP provided the Commission with a synopsis of every file involving either or both of Mr. Ryan and Ms. Doucet that had any relation to their interpersonal difficulties. The RCMP also provided the Commission with the related operational files in their entirety. There were more than 25 files involving one or both parties. The following are the files relevant to the issue at hand.

1. November 23–24, 2007

According to Mr. Ryan, there was tension between the parties in the period leading up to and into November 2007. E-mail correspondence between them demonstrates that they were going through a separation, and that Ms. Doucet appeared anxious and angry that Mr. Ryan had a new girlfriend.

According to Mr. Ryan, on Friday, November 23, 2007, he called Ms. Doucet and asked to make arrangements to see his daughter on the weekend. Ms. Doucet refused to allow him to pick up their daughter. According to Mr. Ryan, Ms. Doucet began swearing at him, telling him that he could not see his daughter and that he would have to give her a few weeks to calm down. Ms. Doucet hung up the phone.

Mr. Ryan and his then girlfriend, Ms. Shannon Huntley, were concerned about Ms. Doucet's behaviour. Mr. Ryan stated that he called Ms. Doucet approximately 30 times. She did not answer, and he left two messages on her voicemail. Mr. Ryan stated that he told Ms. Doucet that he would call Social Services or the RCMP because of concerns he had with respect to how she was taking care of their child. Mr. Ryan

alleges that Ms. Doucet was not feeding the child properly, would go to bed immediately upon returning home, and was not adequately caring for the child. Ms. Huntley confirmed that she and Mr. Ryan would take food to Ms. Doucet's home.

On the afternoon of November 23, 2007, Ms. Doucet reported to Constable Michel-Poitras that Mr. Ryan was planning on attending the family residence to pick up their daughter and some of his personal belongings. Ms. Doucet reported that Mr. Ryan was upset. Ms. Doucet also conveyed that Mr. Ryan had a history of violence, that she feared for her safety, that Mr. Ryan had access to firearms, that he was in the military and that he was upset about the fact that the parties were undergoing a separation. Constable Michel-Poitras documented the complaint and explained to Ms. Doucet what actions to take if Mr. Ryan attended the home.

Later that evening, the RCMP received a telephone call from a friend of Ms. Doucet alerting them that Mr. Ryan was outside Ms. Doucet's residence. Members attended the scene, and Ms. Doucet informed Constable Racicot that Mr. Ryan had threatened to burn down the house, that he had been calling her repeatedly and that she believed that she had seen his truck driving up and down her street. Ms. Doucet also expressed fear of Mr. Ryan.

Mr. Ryan states that he received a telephone call from Constable Racicot, calling from Ms. Doucet's phone, at approximately 7:30 p.m., inquiring about his whereabouts. Mr. Ryan stated that he was at his home in Kentville. A few minutes later, Mr. Ryan received a second telephone call, this time from the RCMP detachment in New Minas. Corporal Dionne requested that Mr. Ryan open his front door and demonstrate his presence, which Mr. Ryan eventually did. Mr. Ryan was informed that Ms. Doucet was requesting that charges be laid against him.

Constable Racicot explained that on the evening in question, Ms. Doucet appeared preoccupied and nervous. Constable Racicot had listened to the messages left on Ms. Doucet's voicemail by Mr. Ryan, which contained no threats. Mr. Ryan's first message stated that if Ms. Doucet did not want to talk to him, that was "fine" and that he would not call back. Mr. Ryan's second message, which Constable Racicot identified as being "more rude", stated that he was going to keep calling until Ms. Doucet picked up the telephone. Ms. Doucet told Constable Racicot that Mr. Ryan had threatened to burn down the house. Constable Racicot stated that the members escorted Ms. Doucet to a safe place for the evening, and he telephoned Mr. Ryan, who told him that he was at home in Kentville. Constable Racicot also requested assistance from the New Minas Detachment to ensure that Mr. Ryan was indeed at his home. New Minas RCMP members attended the home to confirm that Mr. Ryan was there.

The next day, Constable Racicot obtained a statement from Ms. Doucet. Ms. Doucet informed Constable Racicot that Mr. Ryan was violent. She stated that he had never hit her, but that he was verbally aggressive and manipulative. She stated:

We are getting separated and it was time to discuss um what we were going to financially and these kinds of things and um he... we don't agree, we can't agree on anything um he is very conniving he always gets what he wants and I've always said yes yes yes and I never had a choice. It's either his way or no way. And I said I've had enough and I um, I know what I want and I will stand my ground. And he doesn't agree with that so he said that he would um he would burn the house and he would ruin my reputation in the community. And he would phone the police of me and tell them I was an un-fit [sic] mother.

Prompted further about her exchange with Mr. Ryan, Ms. Doucet stated:

Well we spoke a few times ah, and he said he would ruin me he said he would burn the house down, that he would take everything that I have. [. . .] he will burn the house down and he will burn all three houses if he has to. [. . .] I am not going to pay you anything and you're not getting anything, nothing. And the money that was in the account it's in the vault and you're not getting it and you can't bleed blood from a rock. And you can get all those fancy lawyers that you want, you're not getting anything because they're not going to find it. [. . .] All three houses are in his name.

These were the only threats raised by Ms. Doucet during her statement, although she also spoke of her fears with respect to Mr. Ryan. She stated that he had road rage and tended to break household items when he was angry. Ms. Doucet admitted to not seeing Mr. Ryan's truck driving outside her residence, but presumed that it had been him. Ms. Doucet claimed that Mr. Ryan made her believe that she had mental health issues and stated that he could not get along with anyone.

Mr. Ryan attended the New Minas Detachment the next day, where he was arrested by Corporal Dionne, charged with uttering threats, and released subject to an undertaking not to contact Ms. Doucet or their daughter. A Domestic Violence Risk Assessment was conducted and identified the matter as being "High Risk." Members of the New Minas RCMP accompanied Mr. Ryan to his home and seized his registered firearms.

Ms. Doucet was referred to Victim Services, and a referral was made to Child Welfare Services. The criminal investigation also continued. Constable Racicot contacted the military police, given concerns surrounding Mr. Ryan's behaviour and access to firearms, as Mr. Ryan was a firearms instructor with the Canadian Forces.

When reviewing complaints concerning the perceived inadequacy of criminal investigations, the Commission considers the steps taken during the investigation. RCMP policy states that members "will, subject to available resources, priorities and exercise of appropriate discretion, conduct a Criminal Code investigation."⁴ RCMP members must follow all reasonable leads, and avail themselves of additional resources where required.

⁴ RCMP *Operational Manual*, chap. IV.1. "Criminal Code Offences" s. C.1.

The proper investigation of any crime requires in part, that a member:

- a) Pursue all leads provided promptly and effectively.
- b) Interview all possible sources and suspects promptly and effectively.
- c) Request all relevant forensic tests/reports to check for physical evidence and consult with other experts with specialized knowledge.
- d) Follow related RCMP policy and reference other related police technical texts as required.
- e) Maintain good case management of the file, ensuring that properly written notes support the actions taken during the investigation as well as support any subsequent prosecution.

The main objective of a criminal investigation is to gather sufficient information to support reasonable grounds to believe that certain persons committed an offence.

The RCMP's national operational policy directs members to investigate and document all complaints of violence in relationships.⁵ While the member's discretion still applies, in cases of domestic violence, its ambit is very narrow.⁶ Further, domestic violence cases are to be treated as a priority,⁷ and RCMP members have a duty to lay or to recommend charges if a *Criminal Code* offence has been committed.⁸ The RCMP's policy pertaining to members' dealings with complaints of violence in relationships demonstrates the seriousness of such allegations and emphasizes the need for prevention, enforcement efforts, victims' safety and public safety.

The aforementioned Domestic Violence Risk Assessment considers the presence of and/or accessibility to weapons; the use of threats involving weapons or attempting suicide; a change in the relationship status, including a separation, a threatened separation or legal proceeding involving family-related matters; the abuse of drugs or alcohol; an increase in frequency or severity of violence; violence outside the relationship; the destruction by the alleged perpetrator of cherished personal items; jealousy or the attempt to control a partner's activities; accusations of cheating; statements such as "If I can't have you, no one can"; homicidal or suicidal threats; violence towards children or pets; sexual violence; pregnancy and violence during pregnancy; mental health history; and history of police involvement involving the parties.

In conjunction with the foregoing, a High Risk Case Coordination Protocol Framework for situations involving domestic violence existed for use by the primary services providers of the Meteghan/Digby District, including the RCMP. This framework was put into place to encourage a collaborative approach between the various stakeholders and includes a commitment by the RCMP to support an initiative to prevent domestic

⁵ RCMP *Operational Manual*, chap. 2.4 "Violence in Relationships", s. 1.5.

⁶ Ibid., s. 8.1.

⁷ Ibid., s. 6.1.

⁸ Ibid., s. 1.6.1.

violence created by the Nova Scotia Department of Justice. It includes the following statement:

The RCMP Meteghan/Digby Detachments views its role in Spousal/Intimate Partner Violence calls as critical and require its responding officers to restore peace and to enforce the law. To ensure this role is achieve officers must conduct a full preliminary investigation of the incident before leaving the scene.

[. . .]

A request must be made by the investigating officer to have a records check for previous incidents of domestic violence involving the names, birth dates and addresses of all persons involved. [. . .]

Statements must be taken from all witnesses and complainants(s) regardless of whether charges are laid and processed through the courts. [sic throughout]

[. . .]

Finally a risk assessment form must be completed for all Spousal/Intimate Partner Violence Investigations.

The investigating officer is required to determine when a case meets the requirements for high risk designation. The officer will make this assessment based on completion of a full preliminary investigation and the Risk Assessment Form. Should the investigating officer deem the case high risk for lethality, the officer would then consult with the Unit NCO.

The pertinent passages of the RCMP's directives on domestic violence in effect in 2007 read as follows:

In exercising these strategies [to address family violence], members of the RCMP must be constantly aware of the principles that:

1. Everyone has a right to live free of violence.
2. Response to family violence is a high priority of the justice system.
3. Safety of the victim is the overriding concern in responding to family violence.
4. Breaking the cycle of violence requires a coordinated, multidisciplinary approach in which justice agencies play a key role.

[. . .]

As an immediate response and part of a long term solution, the RCMP has adopted the direction of the Department of Justice and Public Prosecution Service's policy of pro-arrest and pro-prosecution as all members of the justice system are tasked to recognize and deal appropriately with cases of family violence. As the police, we must respond immediately to all cases of family violence and move immediately to enforce peace bonds and restraining orders.

[. . .]

The following guidelines apply to family violence matters:

1. Immediate referral by dispatch to police in all reported cases of family violence.
2. Police response to and full investigation of all family violence cases.
3. All members are encouraged to utilize a team approach at the detachment level utilizing the resources within the Force including when appropriate, the child abuse interviews, Ident., victim services volunteers, Section NCO's acting in a coaching and audit role and the Officers Commanding who have the overall responsibility to ensure family violence is being addressed through their managerial review process.
4. Comprehensive case management (including evidence-gathering) at the scene to reduce the reliance on the victim testimony.
5. Paramount concern for the safety of victims and children (including immediate referral to victim support services, escorted safe passage for retrieval of personal effects, on-going communication with victims regarding the status and whereabouts of the perpetrator.
6. Referral of victims to victim's services [. .]
7. Charges to be laid in all cases where evidence supports such action regardless of victim's wishes. In cases where charges are not laid, a police report will be completed stating the reasons why charges were not laid.
8. Arrest and removal of the alleged perpetrator from the home where there exists grounds to believe that there will be a continuation or repetition of the offence or if other grounds are present.

[. .]

The guideline defines violence as "all forms of violence or threats of violence between current or former spouses or partners in a relationship, whether it be a marriage, common-law or dating relationship. It can include physical, emotional and economic threats, including threats to children, friends, pets, property, stalking, harassment and every other form of violence."

Corporal Thibaudeau, who was the supervising member at the time of this particular file, expressed the opinion that the RCMP's Violence in Relationships policy was followed. Corporal Thibaudeau also noted that he had a conversation with Ms. Doucet a few weeks prior to this incident. Corporal Thibaudeau stated that he was told by Ms. Doucet

that she was afraid of her husband, but that she had been unable to explain why, other than stating that he was much larger than her and that he was in the army. According to Corporal Thibaudeau, this did not provide him with grounds for arrest. When asked whether he attempted to obtain further information from Ms. Doucet, Corporal Thibaudeau stated:

THIBAUDEAU: [. . .] it's a verbal conversation over the counter because she doesn't want to give, come inside to give one of these. All right. So, no. Has, has he threatened to kill you? No. Has he ever done anything, violence, rape, assault, threats to, to kill, threats to hurt you? No, no, no. I'm just scared of him. All right. And then I explained to her, these are, I says listen, well, for us to do something we need grounds. Grounds are this. And I laid out all the grounds to her that we need according to domestic violence policy, the Criminal Code and RCMP policy for the RCMP to come very active these types of investigations. Ironically, within a week or two, she comes to the office to give a statement to Jonathan Racicot that led to the arrest of Michael Ryan. [sic throughout]

It should be noted that the Commission deemed Corporal Thibaudeau to be credible; his statements were consistent with the content of RCMP files and with those of Constable Racicot and Mr. Ryan. Corporal Thibaudeau's assessment appears reasonable: Ms. Doucet's report a few weeks prior to the November 23, 2007, incident did not provide sufficient grounds to believe that a criminal offence had been committed. Ms. Doucet denied being a victim of domestic violence and she refused the offer of a protection order. Ms. Doucet simply expressed her fear of Mr. Ryan, and despite being encouraged, she could not provide the member with any information that would meet the required threshold of a *reasonable* belief that a criminal offence had been committed so as to authorize an arrest pursuant to the *Criminal Code*. Further, there was insufficient information provided to allow an investigation to commence.

Of note, during the public interest investigation interview, Ms. Doucet claimed that she did not phone the police on November 23, 2007, but that her friend called later on that evening. According to Ms. Doucet, she did not talk to the police that evening and it was not until the next day that she was able to speak to an RCMP member:

INVESTIGATOR: You're the one... you're the one who's, you know, saying, "This is my ex-husband, or husband at that time. He's made this threat to me, that he's going to burn down the house," so the police would have asked you questions about this.

NICOLE DOUCET: I don't think they did that evening.

INVESTIGATOR: You don't think they did. Ok.

Ms. Doucet denied that the RCMP acted to protect her the subsequent day as well:

INVESTIGATOR: Ok, and then what happened?

NICOLE DOUCET: Then we went home.

INVESTIGATOR: Do you know... did the RCMP tell you what they were going to do?

NICOLE DOUCET: No.

INVESTIGATOR: They didn't tell you what they were going to do?

NICOLE DOUCET: No.

INVESTIGATOR: Did they make you aware at any point of what they actually did do?

NICOLE DOUCET: They didn't do anything. They just asked me the questions...

INVESTIGATOR: Ok, so after you provided your statement, they asked you questions, you gave them information, did they tell you they were going to arrest Mike Ryan?

NICOLE DOUCET: No.

INVESTIGATOR: They didn't tell you they were going to arrest... You're aware that they did arrest Mike Ryan? Did they not arrest him? You don't know.

NICOLE DOUCET: I don't know.

INVESTIGATOR: Ok, you don't know. You don't know what happened. You don't know what the RCMP did after that.

NICOLE DOUCET: I do... I am aware that they went and took the guns out of the house.

INVESTIGATOR: Ok. That's... ok.

NICOLE DOUCET: That's all I know.

INVESTIGATOR: That's all you know.

NICOLE DOUCET: Yes.

INVESTIGATOR: Ok. Did you pursue this with the RCMP? Did you say, "Hey Jonathan, what are you going to do about this?"

NICOLE DOUCET: At that... you mean, within the next couple of days?

INVESTIGATOR: Sure.

NICOLE DOUCET: No.

As noted, Mr. Ryan was in fact arrested, and Ms. Doucet was referred to Victim Services. RCMP records, statements of members and relevant court documents are consistent in demonstrating that Mr. Ryan was arrested, and that Ms. Doucet was aware of the actions taken by the RCMP. In her interview, Ms. Doucet subsequently agreed that she was referred to Victim Services.

While it is apparent that Ms. Doucet maintains her position that the RCMP failed to protect her, that statement in respect of this particular incident is without basis in fact and negatively impacts Ms. Doucet's credibility and reliability. Despite her assertion, upon responding to the complaint, Constable Racicot spoke to her and to her friends who were at the home with her. He acted immediately and in accordance with RCMP

policy in referring Ms. Doucet to Victim Services, and ensuring that she had a safe place to stay, and verifying that Mr. Ryan was not in the immediate area. He documented the incident in his occurrence report in a clear and detailed manner. I am satisfied that Constable Racicot conducted a reasonable investigation, was responsive to the concerns raised by Ms. Doucet, and availed himself of all necessary resources to ensure Ms. Doucet's protection and to conduct a reasonable investigation into her complaint against Mr. Ryan.

One of the complaints brought forward by Ms. Doucet's lawyer was that the police did not sufficiently extend their investigation into Mr. Ryan's actions. In fact, during the Commission's investigation, Ms. Doucet's lawyer stated that the RCMP believed everything Mr. Ryan said, presumably because he was in the army and was afforded much respect for that reason:

MS. DOUCET'S LAWYER: Ok? That's the one incident, he said, "No, no, I was home." Ok?

INVESTIGATOR: And so they'd just believe him without verifying.

MS. DOUCET'S LAWYER: They just, they believed him without verifying. They don't carry on in their investigation.

INVESTIGATOR: Do you... sorry, but ok, just because I want to make sure I understand here, so you're saying that when they called, she called because she thought he was driving in front of their house, he said, "No, I'm at home," you're saying the RCMP never actually checked if he was at home.

MS. DOUCET'S LAWYER: Mm-hmm.

INVESTIGATOR: Ok.

MS. DOUCET'S LAWYER: Ok? And I'm just saying that I believe sincerely...

INVESTIGATOR: Did you ask this... Sorry, did you ask the RCMP this?

MS. DOUCET'S LAWYER: They never took the stand. They never gave evidence. And that's the other thing.

INVESTIGATOR: So how do you know that they never checked that he was home?

MS. DOUCET'S LAWYER: I read the reports.

INVESTIGATOR: Ok.

MS. DOUCET'S LAWYER: Ok? He says he was home. Ok? And they just accepted that at face value. And that's where I think that there's been a downfall, in that sometimes police, based on my 42 years of experience, takes too much for granted, and they don't complete their investigation. And when it comes to domestic abuse, which we know in this country is on the rise, and is coming more to light, we are finding that women, especially in the position that Nicole found herself, are in a situation where they have no one to turn to.

As noted above, the occurrence report prepared by Constable Racicot clearly stated that he had involved the New Minas Detachment and that at least one member,

Corporal Dionne, verified that Mr. Ryan was home by asking him to come out of his house. Mr. Ryan also attested to this in his statement to the Commission.

The charges against Mr. Ryan were ultimately dismissed, as Crown counsel concluded that no reasonable prospect of conviction existed. Ms. Doucet and her lawyer contend that the charges should not have been dropped. While the conduct of Crown counsel is beyond the Commission's jurisdiction, Ms. Doucet and her lawyer appeared to ascribe the Crown's decision in some part to the RCMP's involvement, as follows:

MS. DOUCET'S LAWYER: Ok. Number one, I think they laid the charges; they should have proceeded to court on the charges.

INVESTIGATOR: What do you mean?

MS. DOUCET'S LAWYER: There's no reason... The ones on uttering the threats. There was no reason...

INVESTIGATOR: Against Mike Ryan.

MS. DOUCET'S LAWYER: against Mike Ryan, why that should have been dropped, other than Nicole has now been charged with conspiracy to commit murder.

INVESTIGATOR: But that's... the RCMP didn't drop those charges. The crown did.

MS. DOUCET'S LAWYER: There's consultation there.

INVESTIGATOR: Ok, so you believe that the RCMP influenced the process.

MS. DOUCET'S LAWYER: I'm not saying they did it. I'm sure there was consultation between the crown and the RCMP as there normally is before charges are dropped.

INVESTIGATOR: Ok.

While there appears to be an implication that the RCMP influenced the decision not to proceed on the charges, Constable Racicot stated in the context of the Commission's investigation that this was not the case:

[Translation]

JONATHAN RACICOT: [. . .] Then, it took place May 1. *Writer spoke with Crown who informed me that there were no realistic probability of conviction and that this matter would be dismissed. Writer contacted Michael Ryan to inform him of same. Next court date is May 12, 2008 for conclusion.*

So, I can conclude that on May 1, 2008, the Crown, Roslyn Mitchi(ph), contacted me and told me that there was no *realistic, no realistic probability of conviction.*

INVESTIGATOR: So it wasn't you who contacted the Crown to tell them not to proceed with (inaudible).

JONATHAN RACICOT: No, no. No. The way it happened was that the Crown contacted me to tell me that there was no... *there's no realistic probability of conviction.*

[Parts in italics reflect original English portions of the quotation]

According to Ms. Doucet, the charges were dropped but no one told her why. Corporal Phillips spoke to Crown counsel, who stated that the decision not to proceed with the charges was based on the totality of the evidence: it was deemed not strong enough to afford a reasonable prospect of obtaining a conviction. Upon reviewing the records of the RCMP's internal investigation, I am satisfied that these demonstrate that the decision to withdraw the charges was not based on anything other than the totality of the evidence before the Crown counsel.

FINDING NO. 1: The RCMP conducted a reasonable investigation into Ms. Doucet's complaint of November 23, 2007, that Mr. Ryan had threatened her.

FINDING NO. 2: The actions taken by the RCMP in response to the November 23, 2007, incident were consistent with its policy pertaining to cases involving domestic violence.

FINDING NO. 3: There is no information suggesting that the RCMP unreasonably influenced Crown counsel in its decision not to prosecute Mr. Ryan.

FINDING NO. 4: The RCMP reasonably referred Ms. Doucet to Victim Services following the incident of November 23, 2007.

2. December 6, 2007

On December 6, 2007, Mr. Ryan called the RCMP reporting that the family dog had been left outside the family residence, in the cold and without food or water. Mr. Ryan was concerned that the dog would die if left overnight. Constable Racicot contacted Ms. Doucet, who informed him that if Mr. Ryan wanted the dog, he could have it. Constable Racicot brought the dog to a kennel overnight, given that Mr. Ryan was unable to pick him up that day.

This file has since been purged, according to the RCMP's retention period standards; however, an occurrence report found in a separate file provided sufficient information for the Commission to assess this allegation. The record of the call indicated that no further action was taken by the RCMP, and there was no indication that any comments were made to Constable Racicot related to domestic violence. Equally, during her interview, Ms. Doucet did not suggest that she alerted the RCMP of any instance of domestic violence during this incident.

I find that the action taken in response to this request for assistance concerning the dog was reasonable.

FINDING NO. 5: During the incident of December 6, 2007, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

3. December 16, 2007

On December 16, 2007, two occurrences arose, and two calls were made to the RCMP within an hour of each other.

In one call, Mr. Ryan wanted his in-laws removed from the family property in Little Brook and charged with trespassing. In the other, Mr. Ryan's in-laws accused him of removing permanent fixtures from the home. Two of Mr. Ryan's in-laws, Ms. Doucet's sisters, were co-owners of the property, with Mr. Ryan as the third co-owner. Constable Michel-Poitras was assigned to the file and referred the parties to their respective lawyers, as she deemed the matter to be civil in nature.

As the Commission has noted in previous cases, civil disputes or property issues are extremely problematic from a policing perspective. The police are often caught in the middle with one or both sides trying to use them to gain a tactical advantage. In emergency situations, they must act decisively to minimize risk to public safety and to minimize any risk to officer safety. In non-emergency situations, the police must be watchful against inadvertently becoming involved in matters better resolved by the parties and their lawyers in the courts.

In this instance, there was no indication that the RCMP was informed of any issues that were criminal in nature, and Constable Michel-Poitras determined that the situation was a civil one and referred the parties to their respective lawyers. After a thorough review of the file, I find this assessment to have been reasonable, given that three of the involved parties were co-owners of the property.

FINDING NO. 6: The RCMP's determination that the matter reported on December 16, 2007, was civil in nature was reasonable, as was the extent of their involvement.

4. December 17, 2007

Following the incident of November 23, 2007, Ms. Doucet moved out of the family residence. The house was left empty. On December 17, 2007, Mr. Ryan called the RCMP to enquire about attending the home to obtain some of his remaining belongings. The RCMP informed him that he would not be breaching his undertaking by attending the home, given that Ms. Doucet was no longer residing there. Mr. Ryan informed Ms. Doucet that he would be going to the home. Very shortly after his arrival at the

home, Ms. Doucet's father, sister and brother-in-law arrived on the property, armed with metal pipes. It appears from the documentation in the file that Ms. Doucet's father assaulted Mr. Ryan. Mr. Ryan sustained serious injuries; the assault was halted when Ms. Huntley came out of her vehicle to intervene. Ms. Huntley also called 9-1-1.

Ms. Doucet's father was charged and convicted of assault following the incident.

Ms. Doucet was not at the house when the assault occurred, but arrived while police and emergency health services were there. Regarding the incident, she stated to the Commission's investigator:

INVESTIGATOR: [. . .] So we were actually talking about the incident of December 2007 with your dad and Mike Ryan. Could you explain to me summarily what happened?

NICOLE DOUCET: Well, I wasn't there.

INVESTIGATOR: So you don't know?

NICOLE DOUCET: I don't know. No.

INVESTIGATOR: Ok. So you said to me...

NICOLE DOUCET: I do know that I did go to the house, and how or why I went there, I don't know. The ambulance was there.

INVESTIGATOR: You don't know why you went to the house?

NICOLE DOUCET: No. And...

INVESTIGATOR: So let me understand. So, we know because of court proceedings or whatever that there was a fight, whatever, had happened.

NICOLE DOUCET: Yeah.

INVESTIGATOR: You arrived there when the ambulance was there. Do you... do you... can you recall why you went to the house that day?

NICOLE DOUCET: No.

INVESTIGATOR: Ok.

NICOLE DOUCET: No.

It is unclear why Ms. Doucet purports to have no knowledge of what occurred during this incident, given that three of her family members were accused of assaulting Mr. Ryan and that her father was found guilty of the offence. It is equally unclear why Ms. Doucet purports to not know why she attended the scene. Given the severity of the incident, the fact that Ms. Doucet does not know what occurred or the circumstances surrounding the assault affects the reliability of her recollections of any incidents discussed.

The Commission thoroughly reviewed the RCMP's investigation in respect of this file. Again, there is no indication that any information was provided to the RCMP with respect to any incidents of domestic violence involving Ms. Doucet.

The documentation on file also indicates that several days after this incident, on December 20, 2007, Ms. Doucet attempted to apply for a new peace bond against Mr. Ryan in respect of the November 2007 incident. Ms. Doucet again alleged that: Mr. Ryan had threatened to destroy her and to phone Social Services with respect to the care of their daughter; she and her daughter had been hiding since the incident; the military police told her to obtain a peace bond; and Mr. Ryan had access to various weapons at his workplace. The peace bond application also notes that conflict over the former family residence continued. The peace bond application was ultimately not heard, as Ms. Doucet did not wish to pursue the matter.

FINDING NO. 7: During the incident of December 17, 2007, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

5. January 2, 2008

The available documentation indicates that on January 2, 2008, Mr. Ryan called the RCMP to complain that Ms. Doucet had been contacting him, despite the fact that he was subject to an undertaking not to be in contact with her. Constable Taylor spoke to Mr. Ryan and informed him that Ms. Doucet was not in breach, given that he was the one subject to an undertaking.

When asked why she would contact Mr. Ryan while he was bound by a condition not to be in contact with her, Ms. Doucet stated that she called Mr. Ryan's mother and spoke to his sister because she was trying to gather support for her claim that Mr. Ryan was violent so that she could present evidence in family court. Ms. Doucet stated that Mr. Ryan's family told her she was "crazy."

There is no indication that Ms. Doucet provided any information with respect to domestic violence during this incident.

FINDING NO. 8: During the incident of January 2, 2008, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

6. January 12, 2008

On January 12, 2008, the RCMP received a call from Ms. Doucet's father, sister and brother-in-law, who were at the family residence, complaining that Mr. Ryan had broken into the residence. There was some dispute with respect to items taken out of the residence. It should be noted that before attending the family residence, Mr. Ryan called the RCMP to inform them that he would be attending to retrieve some items and to ensure that he would not be in breach of his undertakings. Given that Ms. Doucet had not been living at the residence since November 2007, the RCMP informed Mr. Ryan that he would not be breaching any undertakings by attending the family residence.

The RCMP deemed this matter to be of a civil nature. As previously, I find the determination that issues involving the property were civil in nature to have been reasonable. There is no indication that any other information was provided to the RCMP raising any concerns with respect to domestic violence.

FINDING NO. 9: The RCMP's determination that the matter reported on January 12, 2008, was civil in nature was reasonable, as was the extent of their involvement.

FINDING NO. 10: During the incident of January 12, 2008, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

7. January 18, 2008

On January 18, 2008, Mr. Ryan complained to the RCMP that Ms. Doucet had been stealing his mail and that she had stolen some of his personal medical files. The RCMP determined that Ms. Doucet could not be charged with theft because she had access to the mailbox and had not opened any of Mr. Ryan's mail. According to RCMP records, Ms. Doucet did not provide any other information indicating that she was the victim of violence at the hands of Mr. Ryan.

With respect to this incident, Ms. Doucet alleges that Constable Michel-Poitras attended her house and stayed for two or three hours. Ms. Doucet claims that she kept talking, but cannot recall what she talked about:

INVESTIGATOR: Ok. Did you report to her... So, you said you kept her for two or three hours discussing with her. Did you report to her instances of violence within the relationship?

NICOLE DOUCET: Well, we talked. I don't know what I said.

INVESTIGATOR: You don't know.

[. . .]

INVESTIGATOR: [Translation] But did you tell her... did you tell her about incidents of abuse, specific instances so that she could take action?

NICOLE DOUCET: [Translation] I have no idea...

INVESTIGATOR: [Translation] You don't remember.

NICOLE DOUCET: [Translation] ...what... Well, of course I know that I told her something, because she kept telling me "I've been trained to deal with abuse. I understand. I understand your situation. *I understand*". Well, if you understand...?

INVESTIGATOR: So, are you saying that Constable Poitras did not... she didn't do anything?

NICOLE DOUCET: She didn't do anything.

[Parts in italics reflect original English portions of the quotation]

Ms. Doucet is not able to recall what she told Constable Michel-Poitras. There is no indication that Ms. Doucet gave any new information to Constable Michel-Poitras that would permit the member to form reasonable grounds to believe that Ms. Doucet was being abused. During her statement, Ms. Doucet often said that she did not recall important events or conversations. As such and as previously, Ms. Doucet's statement is of limited reliability.

FINDING NO. 11: During the incident of January 18, 2008, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

8. January 28, 2008

On January 28, 2008, Ms. Doucet reported to Constable Garault that Mr. Ryan had sent her a text message which read: "Can I talk to [daughter]." The investigation revealed that the parties were to attend family court the following day, to arrange visits between Mr. Ryan and his daughter, whom he had not seen since the incident of November 23, 2007.

Ms. Doucet alleged that this was the second time that Mr. Ryan had contacted her, in breach of his conditions. Ms. Doucet alleged that the first instance occurred on December 17, 2007, on which date Mr. Ryan sent her a text message telling her that if she did not pick up her dog, he was going to kill it.

As previously detailed, the RCMP was aware of the occurrence with the dog, as both Ms. Doucet and Mr. Ryan had contacted the RCMP with respect to the incident.

Constable Garault took a statement from Ms. Doucet. When prompted about her safety, Ms. Doucet said the following:

[Translation]

Q: Do you feel safe here?

A: No

Q: Can you tell me why?

A: No, because I know Mike, I know his rages. Suddenly, he becomes crazy and violent, and you never know when or why. It happens in a flash. He is very violent. He has always been violent but no one wants to say or do anything. He's always had anger management problems, but he doesn't care when people say that about him. And he tells me he doesn't have a problem. He's always organized. He plans things and incidents to get other people in trouble.

Q: Have there been any other incidents with Mike that haven't been reported to the police?

A: He's always been violent, that's all I can say.

During the Commission's investigation, Constable Garault was asked about this statement. He stated that he believed that Ms. Doucet was referring to incidents already known to police, as opposed to raising new incidents or concerns. As such, he concluded that there was no new investigation that he could or should undertake. As noted, when prompted, Ms. Doucet failed to provide Constable Garault with further information.

No charges were laid with respect to the text message. After investigation and consultation with Crown counsel, Corporal Thibaudeau decided to warn, rather than charge, Mr. Ryan with respect to the breach of his undertaking.

Police officers are empowered to make decisions to investigate allegations of wrongdoing, such as *Criminal Code* offences, and this necessarily involves the exercise of discretion. In a complaint such as this one, where the exercise of judgment or discretion is at issue, the question for the Commission is not whether another person would have acted differently. Rather, the issue is whether that judgment or discretion can be said to have been exercised unreasonably or on the basis of any improper consideration.

The Commission often receives complaints from the public alleging that members neglected their duty by not laying charges, when there appeared to be at least some grounds for charges. The police do not proceed with charges in every case, nor should they. Determining what charges to proceed with involves the legitimate use of discretion by the police. However, the use of that discretion is not unfettered. The reasonable exercise of discretion takes into account the total context of the case, demonstrates the use of common sense and is consistent with the values and professional standards of the RCMP.

As mentioned, Corporal Thibaudeau notes that he consulted with Crown counsel, who agreed that the police could exercise discretion in not laying charges in this matter. The breach was relatively minor, there were no threats and the contact was by way of text message. In context, the RCMP had been actively involved in the conflict within the family and was aware of the situation between the parties. Corporal Thibaudeau is adamant that he afforded this case much more attention than most given the level of conflict between the parties and the information the RCMP was receiving about them. I have no reason to disbelieve Corporal Thibaudeau, who provided the Commission with consistently thorough, detailed, and unequivocal information.

As a result of the foregoing, I find the decision not to lay charges to be a reasonable use of police discretion. In addition, Ms. Doucet was unable to provide any information that

would permit the RCMP to form grounds to believe that Ms. Doucet was a victim of domestic violence, even when repeatedly pressed for details

FINDING NO. 12: The RCMP conducted a reasonable investigation into Ms. Doucet's complaint of January 28, 2008.

FINDING NO. 13: Corporal Thibaudeau reasonably used his discretion in determining that no charges would be laid in respect of the January 28, 2008, incident.

FINDING NO. 14: During the incident of January 28, 2008, the RCMP received no information that would permit them to form further reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

While speaking to Constable Garault during the incident of January 28, 2008, Ms. Doucet also requested that she be provided with a "panic button". The information on file indicates that on January 11, 2008, a Victim Services worker had called Constable Racicot to enquire about the possibility of having such a "panic button" provided to Ms. Doucet. Constable Racicot denied the request, given what he perceived as a low level of threat. Constable Racicot stated in his interview that at the time of the incident, he had never heard of such a tool. Constable Racicot indicated that he would have consulted Corporal Thibaudeau about the issue.

According to Constable Garault's occurrence report in this respect: "Cst. GARAULT was going to submit a written request to Victim Services in regards with the 'panic button' but was told by Cpl. THIBAUDEAU that he was not going to support such request." [sic] This request for a panic button was never granted.

Constable Garault stated that he had never requested a panic button before this incident, nor has he requested one since. Constable Garault stated that he was not aware if such a tool existed.

According to Corporal Thibaudeau, the "panic button" was a relatively new tool being used in instances of domestic violence at the relevant time. Corporal Thibaudeau described the cases in which one would be used as "extreme." At the time, the tool was offered as part of a provincial program. Corporal Thibaudeau likened the "panic button" that existed at the time to a device similar to a wireless telephone which was connected to 9-1-1. Corporal Thibaudeau stated that he did deny the request for a panic button, explaining that this was not a case which, in his judgment, warranted a panic button. Corporal Thibaudeau explained that he had recently been to a meeting in which the devices were explained, and only two to three devices were in use in the province of Nova Scotia, to his knowledge, at the time. Corporal Thibaudeau explained that the devices were provided in cases where, for example, there was a long history of violence resulting in injuries. At that time, the only information provided to the RCMP reflecting any domestic violence within the Ryan family involved the incident of

November 23, 2007, in which it was alleged that Mr. Ryan had threatened to burn down the family residence.

As a result of the foregoing, I find that it was reasonable for Corporal Thibaudeau to determine that Ms. Doucet was not eligible for a “panic button” or similar device.

FINDING NO. 15: Corporal Thibaudeau used his discretion reasonably in denying the January 2008 requests for a panic button for Ms. Doucet.

9. January 31, 2008

On January 31, 2008, Ms. Doucet telephoned the RCMP to report that she had seen Mr. Ryan driving his vehicle on the highway, and was concerned that he may be going to their daughter's school. The RCMP investigated her complaint. Sergeant Lacroix attended the child's school and confirmed that Mr. Ryan was not at the school.

I find that the action taken by the RCMP in response to Ms. Doucet's complaint was reasonable. The only information provided to the RCMP was that Ms. Doucet had seen Mr. Ryan driving on the highway. Sergeant Lacroix exercised due diligence in verifying that Mr. Ryan was not at the school; once that had been determined, no further action was required.

FINDING NO. 16: Sergeant Lacroix conducted a reasonable investigation into Ms. Doucet's complaint of January 31, 2008.

10. February 8, 2008

At the relevant time, Ms. Doucet was driving a vehicle which was leased in Mr. Ryan's name. It appears from correspondence between the parties that Mr. Ryan wanted to retrieve the vehicle, but that Ms. Doucet had failed to return the vehicle to him.

As a result, on February 8, 2008, Mr. Ryan attended Ms. Doucet's place of employment, a school, to remove the leased vehicle. The principal of the school, aware of the conflict between the parties, alerted the RCMP to the fact that Mr. Ryan was at the school. The vice-principal of the school confirmed that there had been no threats or violence; rather, Ms. Doucet had simply informed school personnel that Mr. Ryan was in the military and had access to firearms.

After seeking further information, Corporal Thibaudeau determined that the matter was civil in nature and referred the parties to their respective lawyers.

According to Ms. Doucet, Sergeant Lacroix refused to take her complaint seriously:

[Translation]

NICOLE DOUCET: Sergeant Lacroix, it was like...

INVESTIGATOR: You spoke to him, to Sergeant Lacroix?

NICOLE DOUCET: Yes, I spoke to him, but all he did...

INVESTIGATOR: When... under what circumstances did you speak to Sergeant Lacroix?

[. . .]

NICOLE DOUCET: Well, Mike had come to the school to get the car because it was a lease. That is, Mike had come to the school and had decided he wanted the car, and then he came to the school, and... *The police were phoned, because the school knew that I was afraid, and the police knew that... I don't know what they knew. They knew I was afraid and I wasn't safe. And the police were phoned, and we... didn't go outside until the end. Mr. Lacroix sat down with Marc,⁹ and he said, "If things..." Marc is... was the vice principal, and Lacroix said something... But..."He's a soldier, a soldier, sir."* And then Marc said, "Yes, but maybe you should be careful! Maybe that's what you should be looking at!" And then Sergeant Lacroix said "Well, *he protected us! He protects us! He's a Canadian soldier!" Marc was just... Marc just sat down in his chair, and it was like there was no way at communicating to him. He was... "Well, he's a soldier."* And Mr. Thibodeau, he was exactly the same way. He was like, "Ma'am, watch what you say, Ma'am!" And every time I'd go to talk "Ma'am, watch what you say, he's a soldier!" And so it would... I couldn't talk to... I couldn't talk to them. That's... and Lacroix, I remember talking to him at my parents', at my dad's house, and I'm like, "Please, please, do your job! Please protect [child]! Please! He's a violent man. Please protect [child]. She's a child. She is a child." And it was... [sic throughout]

[Parts in italics reflect original English portions of the quotation.]

I note that during the Commission's interview, Ms. Doucet often stated that she requested protection from the RCMP in respect of Mr. Ryan. When prompted as to what information she was providing to the RCMP, Ms. Doucet said only that she needed help. Ms. Doucet claimed that she repeatedly requested protection but that the members would only ask her what she would like them to do. Ms. Doucet could not provide a clear response to the question.

It is difficult for the Commission to assess the veracity of comments that are made during a private conversation. I note, however, that none of the available information supports a determination that the RCMP afforded special treatment to Mr. Ryan as a result of his standing as a member of the military. In fact, when asked directly about this issue, Constable Racicot appeared surprised at the insinuation and stated that the thought never crossed his mind. I have no reason to disbelieve Constable Racicot's statement, as the member provided the Commission with a thorough, credible and consistent statement. Further, Constable Racicot's contemporaneous reports were

⁹ The school's vice-principal.

written in a clear and detailed manner, ably recording each incident in which he was involved, and enabling the Commission to thoroughly review his conduct.

In this instance, there is no reasonable basis on which to conclude that Ms. Doucet was in danger, and there was no contact between the parties. According to Ms. Doucet, she was nevertheless concerned, because on that day, there was a storm, and according to Ms. Doucet, every time there was a storm, Mr. Ryan went into a rage.

While I acknowledge Ms. Doucet's concerns, I find that the RCMP conducted a reasonable investigation in this instance. There was no criminal matter to be investigated and no information was provided to the RCMP to allow them to form reasonable grounds that Ms. Doucet was a victim of violence at the hands of Mr. Ryan.

FINDING NO. 17: The RCMP reasonably investigated the complaint of February 8, 2008, and determined it to be a civil matter.

FINDING NO. 18: During the incident of February 8, 2008, the RCMP received no information that would permit them to form further reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

11. March 13, 2008 – Complaint of Ms. Doucet's sister

On March 13, 2008, Ms. Doucet's sister called 9-1-1 to report a break and enter at the family residence. She alleged that Mr. Ryan had broken into the family residence and removed the heating system. Constable Paskal responded to the call, determined that the matter was civil in nature, and informed Ms. Doucet's sister of such. It should be noted that Ms. Doucet was not living at the said residence at this time, and there were no undertakings preventing Mr. Ryan from attending the home. Further, at this time, Mr. Ryan was still part-owner of the home. As such, the elements of a break and enter offence could not be met.

As previously noted, the RCMP should not become unduly involved in civil matters. There is no indication that any information was provided to the RCMP on this date that would allow the RCMP to form reasonable grounds that Ms. Doucet was a victim of domestic violence.

FINDING NO. 19: It was reasonable for Constable Paskal to determine that Ms. Doucet's sister's complaint of March 13, 2008, involved a civil matter and accordingly decline to become further involved.

FINDING NO. 20: During the incident involving Ms. Doucet's sister on March 13, 2008, the RCMP received no information that would permit them to form further reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

12. March 13, 2008 – Complaint of Mr. Ryan

Also on March 13, 2008, Mr. Ryan called the RCMP to complain that Ms. Doucet had been to his home in Kentville. Mr. Ryan spoke to Constable Garault, as he was concerned that Ms. Doucet was attempting to “set him up” to make him breach his conditions.

Constable Garault informed Mr. Ryan that he could apply for a peace bond and that a complaint of criminal harassment could be considered were such a situation to arise again.

When questioned during the public interest investigation, Ms. Doucet admitted to going to Kentville but said that she did so because her daughter asked her to.

FINDING NO. 21: Constable Garault had no information surrounding Mr. Ryan’s complaint of March 13, 2008, that would enable him to form reasonable grounds to believe that an offence had been committed.

Domestic violence allegations

The Commission does not purport to determine whether or not there was violence in the relationship between Mr. Ryan and Ms. Doucet. The Commission’s role is to determine whether the RCMP reasonably responded to calls for help from Ms. Doucet and whether the RCMP had or ought to have had any information that would cause it to suspect that Ms. Doucet was a victim of violence and failed, in any manner, to protect her. It is for this purpose that I will outline the information available to the RCMP and more generally regarding the state of the relationship between the parties.

A search of RCMP records resulted in approximately 25 occurrences where Ms. Doucet, Mr. Ryan, or both were named. While we do not detail all those occurrences in this report, the Commission has assessed all of them to confirm that they were not related to the matter at hand. For example, one file pertained to a criminal complaint where Ms. Doucet was accused of attempting to run her sister over with her car. Another file concerned a complaint laid by Ms. Doucet against her father for uttering threats.

None of the RCMP records supports a conclusion that information was either apparent on its face or conveyed to the RCMP such that members could determine that Ms. Doucet was being abused by her husband. Each RCMP member interviewed by the Commission is adamant that he or she repeatedly asked Ms. Doucet probing questions and attempted to determine the basis of her fears, to no avail. Ms. Doucet herself admitted that she did not allege to the RCMP that she was being abused:

INVESTIGATOR: That morning. Ok. So what happened when you went to the detachment that morning?

NICOLE DOUCET: They asked me questions, I was afraid, I was afraid. I was afraid. They asked me to fill out a questionnaire.¹⁰ In the questionnaire, after I was done, they said that I'd had the signs and symptoms of being abused.

INVESTIGATOR: The police told you this?

NICOLE DOUCET: Jonathan did, yes. And of course, I didn't want to admit that [that she was abused], and I denied it.

Ms. Doucet also stated that she never told the police about any instance of abuse with guns, as she had alleged during her trial:

INVESTIGATOR: You say that Mike Ryan threatened you with firearms.

NICOLE DOUCET: Yes.

INVESTIGATOR: How often did that happen?

NICOLE DOUCET: It happened... the last time it was in the bedroom. It happened upstairs at a table that we had upstairs. It happened another time at the table we had in the dining room, and it happened outside around... right after Halloween.

INVESTIGATOR: Did you report these incidents to the police?

NICOLE DOUCET: No.

INVESTIGATOR: Did you ever tell the police about these incidents at any point?

NICOLE DOUCET: No.

When prompted further about reporting incidents of abuse to the police, Ms. Doucet stated the following:

INVESTIGATOR: Did you tell the police, when you went to give that statement, did you tell the police everything you had been victim of in the last certain amount of years? Did you tell them, like, the guns, the...

NICOLE DOUCET: No.

INVESTIGATOR: You didn't. Ok.

¹⁰ Refers to the aforementioned Risk Assessment Form.

NICOLE DOUCET: I talked and yakked on, and I don't know exactly what I told them, but I was... You know, I didn't want them to think that I was too stupid.

INVESTIGATOR: Right. So you didn't tell the police because you didn't want them to think you were stupid.

NICOLE DOUCET: Stupid, embarrassed, ashamed.

Ms. Doucet was also referred to Victim Services following Mr. Ryan's arrest in November 2007. With respect to her interaction with that agency, Ms. Doucet stated:

INVESTIGATOR: Ok, but it is your position that you, Mr. Ryan was physically abusive.

NICOLE DOUCET: Yes.

INVESTIGATOR: Ok. Did you tell this to the person, Nancy, at victims' services?

NICOLE DOUCET: I talked and talked and talked, and I rambled on, and I went in circles, and that was what I don't know exactly what I told her, and I've talked to so many people that I don't know what I've told whom. But I know I talked and talked and talked and talked [. . .]

She also stated:

NICOLE DOUCET: She sat in a room like this, and we talked.

INVESTIGATOR: Talked about what?

NICOLE DOUCET: I needed help.

INVESTIGATOR: What type of help?

NICOLE DOUCET: I needed help! I was afraid. I needed help. And that's when she suggested that... it's called a panic button. And she called... And I needed psychological help. And she did put in a request to have psychological help, and I did receive a letter a few weeks afterwards to say that they were not going to... the government wouldn't provide psychological help through victims' services, because I wasn't physically abused.

While Ms. Doucet's lawyer noted that he would like to see better collaboration between the RCMP and Victim Services, the available documentation supports the proposition that the RCMP provided Victim Services with all the information needed for them to work with Ms. Doucet. Ms. Doucet believes that she should have been offered more protection, yet there is no indication, either from her or any other involved party, that she told anyone that she was being abused.

When asked whether she had reported the violence to the military police, Ms. Doucet responded "I don't know." In one report of the military police, reviewed by the Commission, Ms. Doucet made 14 allegations against Mr. Ryan, namely that he had stolen military property and that he had used military equipment for personal reasons.

Ms. Doucet also informed the military police that charges had been laid against Mr. Ryan for uttering threats against her, but it appears from the file that Ms. Doucet did not make further allegations of abuse. Another report, dated January 8, 2008, indicates that Ms. Doucet again contacted the military police, complaining that Mr. Ryan was "making her life difficult" and that he had contacted Social Services with respect to the care of their daughter. Ms. Doucet also reported that Mr. Ryan was engaged in a relationship with Ms. Huntley. Ms. Doucet contacted the military police again in February 26, 2008, to report that Mr. Ryan was growing marijuana at the military base and that he had stolen lumber. None of these documents contain any information indicating that Ms. Doucet informed the military police in 2007 or 2008 that she was being subjected to domestic violence.

Ms. Doucet was also asked why she did not report any abuse during the family court proceeding, when a family assessment was conducted by a psychologist:

INVESTIGATOR: So I... she does say at a certain point in the report that you never raised any incidents of domestic violence with her.

NICOLE DOUCET: No.

INVESTIGATOR: You'd never... because you never talked to her about this.

NICOLE DOUCET: No.

INVESTIGATOR: Ok. Why?

NICOLE DOUCET: Because I didn't want her to know. I didn't want anybody to know. And...

INVESTIGATOR: But when was this assessment done, or this home study?

NICOLE DOUCET: It would have been done 2008. I was arrested in March.

INVESTIGATOR: So it was post arrest?

NICOLE DOUCET: Yes.

INVESTIGATOR: But why wouldn't you want her to know if this is something you're going to be raising in court anyway?

NICOLE DOUCET: Because for example, were you ever physically abused? What do you answer? Have I ever been punched in the face like that? That's what I interpret. Ok? No. I have never been punched and punched and punched like he does to the men that he's physically... Like, Mike has been in fights. That's what he does. He punches and punches and punches. I've never suffered that. Ok? Never. I've been squeezed by the throat. I've had my arm pinned up against the... body pinned up against the wall. That has never occurred to me. What is holding a gun to my head? Is that physical abuse? There is no physical contact there. Sexual abuse. How do I quantify... you're married. You live together. How... what is considered...? And I don't... I don't like talking about this. How... what is considered abuse? Is it when Mike Ryan says, you know, "You kind of made me feel like I raped you last time. Why won't you talk to me?" Or something like, "Ha, ha, ha, ha, you like it rough." Is that sexual abuse? Is it? When you have to perform oral sex and you don't want to, is it sexual abuse? Is there somebody holding me there? No. But I'm afraid. When it comes to things like that, it proves what you are saying. And I

can't prove anything that I'm saying. And you know, I've always been told, I can't prove anything. And I still can't! I can't prove to you. But when it comes down to a courtroom, and this is why I don't want people to know, and I don't want to go to court. How, how do I prove that? How do I say that, and somebody is going to listen to me? Were you that dumb? Come on! Are you that stupid? Aren't you an educated woman? You look fine to me! And I can't... You know, what is that line that determines, you know, being pinned up against the wall, having my throat squeezed, what is it in the law book? What is that called? You know, how do I... I'm alive, so he didn't kill me.

INVESTIGATOR: Is that why you didn't report it to the police, because you didn't know what to call it? Or you didn't know if you would be believed?

NICOLE DOUCET: No! Because I don't want to be... Because I don't have proof, and I know you need proof. Without proof, they can't do anything. So what is the point of even saying anything? I've always been told that I can't prove anything, and I can't.

The Commission equally reviewed some of the documents submitted during the divorce and custody proceedings. Ms. Doucet did not raise concerns with respect to Mr. Ryan's propensity to violence or cite any abuse; her documented concerns with Mr. Ryan obtaining custody of the child pertained to the fact that he was not the primary caregiver.

The family court documentation included the March 23, 2009, report of a psychologist who conducted a court-ordered assessment to determine the needs of the child. That report stated:

Ms. Doucet denied that Mr. Ryan ever physically harmed [the child]. She did report that he threatened to harm [the child] but this has not been substantiated. Ms. Doucet has provided inconsistent information about Mr. Ryan (e.g. whether he physically abused her or not) and her reported concerns about him have escalated over time.

The report also contains a summary of the court-ordered psychiatric assessment that Ms. Doucet underwent following her arrest. In it, it is stated:

Ms. Doucet denied that Mr. Ryan had physically abused her or uttered death threats towards her, though she said she was afraid he would. At the same time, she reported that the reason she wanted him killed prior to April 1, 2008 was because she didn't want to have to look at him again in an upcoming court appearance.

Ms. Doucet did raise some concerns about domestic violence to an agent and child protection worker for the Department of Community Services in Digby County, but stated only that the child had witnessed her father getting angry and throwing objects. Finally, when Ms. Doucet spoke to the undercover police officer, he asked her if Mr. Ryan had physically abused her, to which Ms. Doucet responded that he had not.

When asked why she wanted Mr. Ryan killed, Ms. Doucet stated that it was “because everything he took and destroyed” and referenced his “attitude”.

Based on a review of the information pertaining to each agency and judicial process with which Ms. Doucet was engaged, as laid out above, it is apparent that there was no information conveyed by her at any time that would indicate that she was a victim of abuse. Ms. Doucet herself admits that she did not report the alleged abuse. Nonetheless, she contends that her plight should have been apparent. The following statement by Ms. Doucet in the context of the role of police in her arrest for conspiracy to commit murder is largely representative of her views in this matter:

If they found out that I was conspiring to commit murder, why didn't anybody come down and say, “Nicole, you've got to sit down. There's something wrong here.” They kept telling me that there was something wrong. “You need psychological help. [Start of translation] Ma'am, you need psychological help. Ma'am, are you seeing a psychologist? Ma'am, maybe you should see a psychologist” [end of translation]. So they knew there was something psychologically wrong with me. But I'm docile. Like, I'm even saying please and thank-you to them! I'm being polite to them! I'm being respectful. Why couldn't they have just sat me down and said, “Nicole, do you know what you're doing? They're talking in the community that you're trying to hire a hit man. Don't you think there's something wrong? What's going on?” I don't know if it would have made a difference. I don't know. I don't know if bells would have got me out of things. I don't know if they would have said, “Nicole, what do... you know, they did ask me, “What do you need?” [sic throughout]

Ms. Doucet was not planning a minor crime; this was her second known attempt to hire someone to kill her husband. It would have been wholly unreasonable for the police to attempt to comfort Ms. Doucet rather than initiate a criminal investigation.

Ms. Doucet's expectations of the RCMP are, in almost every respect, unrealistic. Over a period of several years, Ms. Doucet made many calls to police with a variety of complaints, interacted with Victim Services, went through custody proceedings, and dealt with the military police. Through all this, there is no indication that she apprised any of these agencies of her allegation that she was being abused. Accordingly, and on a balance of probabilities, I find that the RCMP did not fail to reasonably protect Ms. Doucet, given that it neither knew nor ought to have known of her allegation of domestic violence.

FINDING NO. 22: The RCMP did not fail to reasonably protect Ms. Doucet, given that it neither knew nor ought to have known of her allegation of domestic violence.

A final concern brought forward by Ms. Doucet and her lawyer was the training received by the subject members in dealing with domestic violence. Ms. Doucet's lawyer also stated that he would like the police to have more knowledge of battered women's syndrome. In my review, I have found no deficiencies or lack of knowledge on the part

of the members that were interviewed. In fact, all demonstrated a good awareness of the RCMP's policy on violence in relationships and were consistent in their acknowledgement of the need to protect victims of domestic violence.

FINDING NO. 23: The subject members reasonably demonstrated knowledge of the RCMP's policy regarding violence in relationships, which was followed at all times.

CONCLUSION

The Commission acknowledges and recognizes that domestic violence and, more specifically, battered women's syndrome are complex issues of which members must be aware. This notwithstanding, in the case of Ms. Doucet, the RCMP was provided with no information that would have enabled any member to form a reasonable belief that there was violence in the relationship or that Ms. Doucet was in danger. Further, she provided no information upon which a criminal investigation could have been undertaken. While the RCMP was heavily involved with the family, many of their interactions involved civil matters relating to the family residence, and all related to the conflictual relationship that appeared to exist between the various parties in 2007 and 2008.

The only report to the RCMP which related to threats was dealt with accordingly by the RCMP. More importantly, of her own repeated admission, Ms. Doucet did not report any instances of domestic violence to the RCMP. While the Commission acknowledges that Ms. Doucet would have liked the RCMP to do more to protect her and her child, members cannot be expected to know of incidents of which neither they nor anyone else is apprised and no physical evidence is apparent. The suggestion that the RCMP ought to have known of Ms. Doucet's alleged situation is unreasonable.

As previously discussed, the Commission's mandate is not to determine whether or not Ms. Doucet was a victim of violence at the hands of Mr. Ryan, nor is the purpose of the report to assign blame to either party for their respective behaviours. The focus of the Commission's review and investigation is to assess the conduct of RCMP members in their dealings with Ms. Doucet. The Commission sought to determine whether the RCMP failed to protect Ms. Doucet, failed to follow its policy pertaining to domestic violence, or ignored a situation where a victim needed assistance.

This was not a situation where the RCMP refused to assist the parties; on the contrary, RCMP members were responsive to the family's conflicts. I conclude that the RCMP acted reasonably in each of its dealings with Ms. Doucet and her family, and did not fail to protect her.

Pursuant to subsection 45.43(3) of the RCMP Act, I respectfully submit my Public Interest Investigation Report.



Ian McPhail, Q.C.
Interim Chair

Under embargo by the
Commission for Public Complaints Against the RCMP
until July 10, 2013 at 9:30 a.m. EDT

APPENDIX A – SUMMARY OF FINDINGS

FINDING NO. 1: The RCMP conducted a reasonable investigation into Ms. Doucet's complaint of November 23, 2007, that Mr. Ryan had threatened her.

FINDING NO. 2: The actions taken by the RCMP in response to the November 23, 2007, incident were consistent with its policy pertaining to cases involving domestic violence.

FINDING NO. 3: There is no information suggesting that the RCMP became unreasonable involved in influencing Crown counsel in its decision to not prosecute Mr. Ryan.

FINDING NO. 4: The RCMP reasonably referred Ms. Doucet to Victim Services following the incident of November 23, 2007.

FINDING NO. 5: During the incident of December 6, 2007, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

FINDING NO. 6: The RCMP's determination that the matter reported on December 16, 2007, was civil in nature was reasonable, as was the extent of their involvement.

FINDING NO. 7: During the incident of December 17, 2007, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

FINDING NO. 8: During the incident of January 2, 2008, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

FINDING NO. 9: The RCMP's determination that the matter reported on January 12, 2008, was civil in nature was reasonable, as was the extent of their involvement.

FINDING NO. 10: During the incident of January 12, 2008, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

FINDING NO. 11: During the incident of January 18, 2008, the RCMP received no information that would permit them to form reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

FINDING NO. 12: The RCMP conducted a reasonable investigation into Ms. Doucet's complaint of January 28, 2008.

FINDING NO. 13: Corporal Thibault reasonably used his discretion in determining that no charges would be laid in respect of the January 28, 2008, incident.

FINDING NO. 14: During the incident of January 28, 2008, the RCMP received no information that would permit them to form further reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

FINDING NO. 15: Corporal Thibault used his discretion reasonably in denying the January 2008 requests for a panic button for Ms. Doucet.

FINDING NO. 16: Sergeant Lacroix conducted a reasonable investigation into Ms. Doucet's complaint of January 31, 2008.

FINDING NO. 17: The RCMP reasonably investigated the complaint of February 8, 2008, and determined it to be a civil matter.

FINDING NO. 18: During the incident of February 8, 2008, the RCMP received no information that would permit them to form further reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

FINDING NO. 19: It was reasonable for Constable Paskal to determine that Ms. Doucet's sister's complaint of March 13, 2008, involved a civil matter and accordingly decline to become further involved.

FINDING NO. 20: During the incident involving Ms. Doucet's sister on March 13, 2008, the RCMP received no information that would permit them to form further reasonable grounds to believe that Ms. Doucet was a victim of domestic violence.

FINDING NO. 21: Constable Garault had no information surrounding Mr. Ryan's complaint of March 13, 2008, that would enable him to form reasonable grounds to believe that an offence had been committed.

FINDING NO. 22: The RCMP did not fail to reasonably protect Ms. Doucet, given that it neither knew nor ought to have known of her allegation of domestic violence.

FINDING NO. 23: The subject members reasonably demonstrated knowledge of the RCMP's policy regarding violence in relationships, which was followed at all times.

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